

Item No. 154**TOWN OF LAUDERDALE-BY-THE-SEA****AGENDA ITEM REQUEST FORM****Town Attorney**

Department Submitting Request

Susan Trevarthen

Dept Head's Signature

<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>
<input type="checkbox"/> Nov 10, 2009	Oct 30 (5:00 p.m.)	<input type="checkbox"/> Jan 26, 2010	Jan 15 (5:00 p.m.)	<input type="checkbox"/> March 23, 2010	Mar 12 (5:00 p.m.)
<input type="checkbox"/> Dec 1, 2009	Nov 20 (5:00 p.m.)	<input type="checkbox"/> Feb 9, 2010	Jan 29 (5:00 p.m.)	<input checked="" type="checkbox"/> April 13, 2010	April 2 (5:00p.m.)
<input type="checkbox"/> Dec 8, 2009	Nov 25 (5:00 p.m.)	<input type="checkbox"/> Feb 23, 2010	Feb 12 (5:00 p.m.)	<input checked="" type="checkbox"/> April 27, 2010	April 16 (5:00p.m.)
<input type="checkbox"/> Jan 12, 2010	Dec 31 (5:00 p.m.)	<input type="checkbox"/> Mar 4, 2010	Feb 19 (5:00p.m.)	<input type="checkbox"/> May 11, 2010	April 30 (5:00p.m.)

NATURE OF AGENDA ITEM

- | | | |
|---|--|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Resolution | <input type="checkbox"/> New Business |
| <input type="checkbox"/> Report | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Manager's Report |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Attorney's Report |
| <input type="checkbox"/> Bids | <input checked="" type="checkbox"/> Old Business | <input type="checkbox"/> Other |

EXPLANATION: Discussion regarding Ordinance 2010-05 amending Chapter 30, United Land Development Regulations of the Code of Ordinances by amending the provisions applicable to the Planning and Zoning Board and the Board of Adjustments.

STAFF RECOMMENDATION:**BOARD/COMMITTEE RECOMMENDATION:****FISCAL IMPACT AND APPROPRIATION OF FUNDS:**

- | | |
|---|--|
| <input type="checkbox"/> Amount \$ _____ | <input type="checkbox"/> Acct # _____ |
| <input type="checkbox"/> Transfer of funds required | <input type="checkbox"/> From Acct # _____ |
| <input type="checkbox"/> Bid | <input type="checkbox"/> Grant <input type="checkbox"/> Amount represents matching funds |

Deferred to the April 27, 2010 Commission meeting.

APR 2 2010

9:00 a.m.

Town Attorney review required

☒ Yes ☐ NoTown Manager's Initials: CS

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**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED
LAND DEVELOPMENT REGULATIONS OF THE CODE
OF ORDINANCES BY AMENDING THE PROVISIONS
APPLICABLE TO THE PLANNING AND ZONING BOARD
AND THE BOARD OF ADJUSTMENT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CONFLICT;
PROVIDING FOR CODIFICATION; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town Commission has held a properly advertised public hearing pursuant to Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, finds that it is in the best interest of the Town's citizens and residents to approve the proposed amendments to the Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF
THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct, and are made a specific part of this Ordinance.

Section 2. Amending Code Regarding Planning and Zoning Board. Chapter 30, entitled “Unified Land Development Regulations” of the Code of Ordinances of the Town of Lauderdale-By-The-Sea, Florida, is hereby amended by amending Section 30-6, “Planning and Zoning Board” as follows:

Sec. 30-6. Planning and Zoning Board.

(a) *Generally.*

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(1) *Established; composition, terms, qualifications of members; organizations; noncompensatory service; meetings.* The Planning and Zoning Board, consisting of five members and two alternates, is hereby created.

a. The Town Commission shall appoint five members and two alternates to the Board who shall serve at the pleasure of the Town Commission and may be removed by a majority vote of the Town Commission. The Town Commission shall also designate the order of priority in which the alternates shall be called to serve upon the absence of a regular member.

b. The Town Commission shall appoint members and alternates to the Planning and Zoning Board in even numbered years to coincide with the election of the members of the Town Commission. The members and alternates shall be appointed at the first Town Commission meeting ~~in May~~ that is at least thirty (30) days following each election. The term of office for all members and alternates shall be two years from the date of appointment expiring on ~~May 1 of~~ the date that their successors have been appointed, in all even-numbered years.

c. No member or alternate of the Planning and Zoning Board shall be an elected official or employee of the Town. Each member or alternate of the Board shall be a resident and qualified voter of the Town.

d. The members or alternate of such Planning and Zoning Board shall serve without compensation.

e. A quorum shall consist of three voting members. The affirmative vote of a majority of the quorum present and voting shall be required to take any Board action.

f. ~~The Town Commission~~ Planning and Zoning Board shall select a Chairman and Vice-Chairman from among the members of the Planning and Zoning Board by a majority vote, who shall serve in such capacity until replaced by another majority vote of the Planning and Zoning Board. ~~at the pleasure of the Town Commission and may be removed from such position by a majority vote of the Town Commission.~~ The Town Manager, Town Building Inspector, Town Attorney, and other Town officials are considered as staff to the Town Planning and Zoning Board, and may be called on from time to time to meet with said Board.

g. All meetings of the Planning and Zoning Board shall be held according to Florida Statutes and shall be open to the public. Regular meetings of the Board shall be held monthly at times specified by the Board. Special meetings may be called more often as needed. Minutes of said meetings shall be kept and preserved.

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Section 3. Amending Code Regarding Board of Adjustment. Chapter 30, entitled

“Unified Land Development Regulations” of the Code of Ordinances of the Town of
Lauderdale-By-The-Sea, Florida, is hereby amended by amending Section 30-7, “Board of
Adjustment” as follows:

Sec. 30-7. Board of Adjustment.

(a) *Purpose.* It is the purpose of this section to provide procedures and guidelines for the hearing of appeals from and rendering interpretative and advisory options to applicants and the Town Commission concerning any decision of an administrative official relative to the enforcement of the requirements of the Town's zoning regulations and the authorization of variances from the requirements of the Town's zoning regulations.

(b) *Creation and composition; qualifications and organization.* The Board of Adjustment, consisting of five members and two alternates, is hereby created.

(1) The Town Commission shall appoint five members and two alternates to the Board, who shall serve at the pleasure of the Town Commission and may be removed by a majority vote of the Town Commission. The Town Commission shall also designate the order of priority in which the alternates shall be called to serve upon the absence of a regular member.

(2) The Town Commission shall appoint members and alternates to the Board of Adjustment in even-numbered years to coincide with the election of the members of the Town Commission. The members and alternates shall be appointed at the first Town Commission meeting in May that is at least thirty (30) days following each election. The term of office for all members and alternates shall be two years from the date of appointment expiring on May 1 of the date that their successors have been appointed, in all even-numbered years.

(3) No member or alternate of the Board of Adjustment shall be an elected official or employee of the Town. Each member or alternate of the Board of Adjustment shall be a resident and qualified elector voter of the Town.

(4) The members or alternate of such Board of Adjustment shall serve without compensation, but shall be paid for actual expenses incurred in performance of their duties as members or alternates of such Board as supported by invoices or vouchers, or such other evidence submitted in support of such expenses, to the extent permitted by law.

(5) A quorum shall consist of three voting members. The affirmative vote of a majority of the quorum present and voting shall be required to take any Board action. The

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Chairman, or Vice-Chairman in his or her absence, shall vote only in the event of a tie vote but shall be considered a voting member for the purpose of establishing a quorum.

(6) The ~~Town Commission~~ Board of Adjustment shall select a Chairman and Vice-Chairman from among the members of the Board of Adjustment by a majority vote, who shall serve in such capacity until replaced by another majority vote of the Planning and Zoning Board. ~~at the pleasure of the Town Commission and may be removed from such position by a majority vote of the Town Commission.~~ The Board may create and fill such other offices as it may determine to be necessary for the conduct of its duties.

(7) All meetings of the Board of Adjustment shall be held according to Florida Statutes and shall be open to the public. Meetings of the Board shall be held as determined by a resolution of the Board as needed.

* * * * *

Section 4. Codification.

This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Conflicting Ordinances.

All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall become effective immediately upon passage on second reading.

Passed on the first reading, this ____ day of _____, 2010.

Passed on the second reading, this ____ day of _____, 2010.

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Mayor Roseann Minnet

First Reading

Second Reading

Mayor Minnet

Vice Mayor Dodd

Commissioner Clotey

Commissioner Vincent

Commissioner Sasser

Attest:

Town Clerk, June White

(CORPORATE SEAL)

Approved as to form:

Susan L. Trevarthen, Town Attorney